

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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LEROY OLIVER RUDDOCK,

Civil 10-0246 (JRT/FLN)

Petitioner,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

BECKY DOOLEY,

Respondent.

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Leroy Oliver Ruddock, Sherburne County Jail, 13880 Highway 10, Elk River, MN 55330, pro se petitioner.

Todd P. Zettler and Ronald B. Hocevar, **SCOTT COUNTY ATTORNEY'S OFFICE**, 200 Fourth Avenue West, Suite JC340, Shakopee, MN 55379-1220, for respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Franklin L. Noel dated October 28, 2010 [Docket No. 36]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that:

- 1) Petitioner's Amended Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody [Docket No. 10] be **DENIED**;
- 2) This action be **DISMISSED WITH PREJUDICE**; and
- 3) **JUDGMENT BE ENTERED ACCORDINGLY.**

It is further recommended, pursuant to 28 U.S.C. § 2253(c), that a Certificate of Appealability not be issued because Petitioner has failed to make a substantial showing of the denial of any constitutional right.

DATED: December 20, 2010  
at Minneapolis, Minnesota

s/ John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge